

**FILED**

**APR X 1 2008**

**RICHARD W. WIECKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY L. POPE,	)	
	)	
Petitioner,	)	No. C 08-1502 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
D. K. SISTO, Warden,	)	
	)	
Respondent(s).	)	

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Anthony L. Pope, a prisoner at California State Prison, Solano, has filed a pro se petition for a writ of habeas corpus alleging defamation of character. Specifically, Pope alleges that the attorney general's office incorrectly referred to him as a child molester in a declaration filed in support of a request for an extension of time in a pending habeas case of his in this court. Pope seeks an order requiring the attorney general to file a new declaration and damages in the amount of \$50,000.


The petition for a writ of habeas corpus is DISMISSED without prejudice to filing a civil rights complaint under 42 U.S.C. § 1983. The Ninth Circuit has made clear that habeas jurisdiction is absent, and a § 1983 action proper, where,

1 as here, a successful challenge will not necessarily shorten the prisoner's  
2 sentence. See Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003).

3 The clerk shall enter judgment in accordance with this order, terminate all  
4 pending motions as moot and close the file

5 SO ORDERED.

6 DATED: MAR 31 2008

  
\_\_\_\_\_  
CHARLES R. BREYER  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY L. POPE,  
Plaintiff,

Case Number: CV08-01502 CRB

**CERTIFICATE OF SERVICE**

v.

D.K. SISTO et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 1, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony LaShawn Pope J-18522  
CSP - Solano  
1-244-U  
P.O. Box 4000  
Vacaville, CA 95696-4000

Dated: April 1, 2008

Richard W. Wieking, Clerk



By: Tracy Lucero, Deputy Clerk